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13 Association, as Trustee for the benefit of  
14 Harborview 2005-16*

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 NATIONSTAR MORTGAGE LLC,

18 Plaintiff,

19 v.

20 DESERT SHORES COMMUNITY  
21 ASSOCIATION; RAM LLC; MRT ASSETS,  
22 LLC; DOE INDIVIDUALS I-X, inclusive, and  
23 ROE CORPORATIONS I-X, inclusive,

24 Defendants.

25 Case No.: 2:15-cv-01776-KJD-CWH

26 **RULE 15(A)(2) STIPULATION TO  
27 U.S. BANK NATIONAL ASSOCIATION'S  
28 FIRST AMENDED COMPLAINT**

29 MRT ASSETS, LLC

30 Counterclaimant,

31 v.

32 NATIONSTAR MORTGAGE LLC; DOE  
33 INDIVIDUALS I-X, INCLUSIVE, AND ROE  
34 CORPORATIONS I-X, INCLUSIVE,

35 Counterdefendants.

36 U.S. Bank National Association, as Trustee for the benefit of Harborview 2005-16 (**U.S. Bank**)  
37 and MRT Assets, LLC stipulate as follows:

1        1. On September 15, 2015, plaintiff U.S. Bank (formerly Nationstar Mortgage LLC)<sup>1</sup> filed  
2 this lawsuit against Desert Shores Community Association (**Desert Shores**), MRT Assets, LLC  
3 (**MRT**), and RAM, LLC (**RAM**) regarding the October 4, 2013 foreclosure of the real property  
4 located at **3001 Treasure Island Road, Las Vegas, NV 89128** (the **property**).

5        2. U.S. Bank through its servicer, Nationstar, requested mediation with the Nevada Real  
6 Estate Division (**NRED**) on or about October 26, 2015.

7        3. On December 18, 2015, Desert Shores moved to dismiss U.S. Bank's claims against  
8 Desert Shores. (ECF No. 37.) U.S. Bank responded to the motion to dismiss on December 22, 2015  
9 and Desert Shores replied in support of the motion on January 4, 2016. (ECF Nos. 39-40.)

10        4. On December 9, 2016, U.S. Bank through its servicer, Nationstar, MRT, and Desert  
11 Shores participated in NRED mediation but the parties were unable to resolve the dispute. (ECF No.  
12 79.) RAM and Nevada Association Services, Inc. (**NAS**) refused to participate in the mediation  
13 process. (*Id.* at Ex. 1.)

14        5. On August 1, 2016, the Court granted Desert Shores' motion to dismiss and dismissed  
15 U.S. Bank's breach of NRS 116.1113 and wrongful foreclosure claims against Desert Shores. (ECF  
16 No. 44.) The dismissal order specifically provides U.S. Bank's claims against Desert Shores are  
17 "dismissed with leave to refile pending the exhaustion of mediation according to NRS § 38.310."  
18 (*Id.*)

19        6. On May 4, 2017, the Court granted MRT's motions to stay and denied all outstanding  
20 motions as moot.

21        7. On May 24, 2017, NRED issued its NRED Mediation Certificate advising the parties  
22 the mediation was unsuccessful and the matter was now closed. (ECF No. 79 at Ex. 1.)

23        8. On October 22, 2018, the Court lifted the stay and directed the parties to submit a new  
24 discovery plan and scheduling order within forty-five (45) days. (ECF No. 82.)

25        9. Pursuant to the parties' stipulation, on November 19, 2018, the court entered an  
26 amended discovery plan and scheduling order. (ECF No. 85.) The amended scheduling extended the  
27 deadline to amend pleadings and add parties from July 1, 2016 until December 17, 2018. (*Id.*)

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28        <sup>1</sup> (*See* ECF No. 86.)

1                   10. **THE PARTIES STIPULATE AS FOLLOWS:**

2                   a. The parties have completed NRED mediation in accordance with NRS § 38.310;

3                   b. The August 1, 2016 dismissal order grants U.S. Bank leave to refile its claims against

4                   Desert Shores upon exhaustion of the NRED mediation process;

5                   c. The November 19, 2018 amended scheduling order extended the parties' deadline to

6                   amend pleadings and add new parties from July 1, 2016 to December 17, 2018;

7                   d. MRT consents to U.S. Bank filing the first amended complaint, which reasserts U.S.

8                   Bank's NRS 116.1113 and wrongful foreclosure claims against Desert Shores and also

9                   asserts these claims against NAS, Desert Shores' trustee, for the first time. A copy of

10                   the proposed first amended complaint is attached hereto as **Exhibit A**.

11                   Respectfully submitted, this the 7th day of December, 2018.

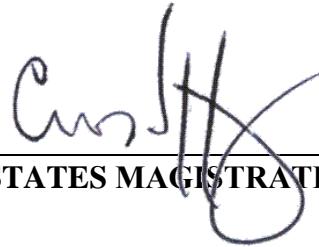
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22                   **IT IS SO ORDERED.**

23                     
24                   **UNITED STATES MAGISTRATE JUDGE**

25                   **DATED:** December 10, 2018

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**EXHIBIT LIST**

**Exhibit A** U.S. Bank National Association, as Trustee for the benefit of  
Harborview 2005-16's First Amended Complaint